

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

MICULKA et al.

Serial No.: 10/644,592

Filed: August 19, 2003

For: PENTOPYRANOSYLNUCLEOSIDE, ITS
PREPARATION AND USE

Group Art Unit: 1623

Examiner: Not Yet Assigned

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants herein request a corrected filing receipt for the above-identified patent application. Enclosed is a copy of the Updated Filing Receipt mailed June 29, 2004, attached as Exhibit A, with the requested corrections added in red. Applicants respectfully ask that the following corrections be made and a new Official Filing Receipt be issued.

The Filing Receipt for the above-identified application (copy enclosed) is incorrect in that it incorrectly lists the priority data. The correct continuing data should be listed as:

CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, Alexandria, VA 22313-1450.

August 27, 2004

Date of Deposit
IR1:1057306.1

Cynthia B. Pacheco
Cynthia B. Pacheco

**This application is a CON of 09/509,058, 07/27/00 PAT 6,608,186
which is a 371 of PCT/EP98/05997 09/21/1998**

The priority to foreign applications is already listed correctly as:

GERMANY 197 41 715.9 09/22/97

The proper priority claim is stated on the enclosed copy of the Preliminary Amendment and Petition Under 37 C.F.R. § 1.78(a)(3) For Acceptance of Claim of Priority. We respectfully request the issuance of a corrected filing receipt.

The Commissioner is hereby authorized to charge any fees that may be required in connection with the filing of these documents to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: August 27, 2004

By: Diane K. Wong
Diane K. Wong
Reg. No. 54,550
Attorneys for Applicants

DKW/cp

O'Melveny & Myers LLP
114 Pacifica, Suite 100
Irvine, CA 92618-3315
(949) 737-2900

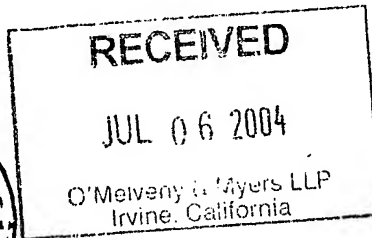


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/644,592	08/19/2003	1623	900	612,406-035	4	2	1

O'MELVENY & MYERS LLP
Suite 100
114 Pacifica
Irvine, CA 92618-3316



CONFIRMATION NO. 5273

UPDATED FILING RECEIPT



OC000000013104179

Date Mailed: 06/29/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Christian Miculka, Vienna, AUSTRIA;
Norbert Windhab, Hattersheim, GERMANY;
Tilmann Brandstetter, Munchen, GERMANY;
Gerhard Burdinski, Nastatten, GERMANY;

O'Melveny & Myers LLP

File: 612,406-035

Action Item: _____

Date Due: _____

Critical Date: _____

Attorney Path: JCK

Docketed By: _____

Verified By: _____

Assignment For Published Patent Application

Nanogen Recognomics GmbH;

Domestic Priority data as claimed by applicant

This application is a CON of 09/509,058, 07/27/00, PAT 6,608,186
which is a 371 of PCT/EP98/05997 09/21/98

Foreign Applications

GERMANY 197 41 715.9 09/22/1997

If Required, Foreign Filing License Granted: 11/13/2003

Projected Publication Date: 10/07/2004

Non-Publication Request: No

Early Publication Request: No

Title

Exhibit A

Preliminary Class

536

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).